

## REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### STATUS OF CLAIMS

Claims 1-26 are pending in this application. Withdrawal of the finality of the previous Office Action is acknowledged.

### Claim Rejections - 35 USC § 103(a)

At pages 3-9 of the Office Action, the Office has rejected claims 1-26 under 35 USC § 103(a) as being unpatentable over Ainai (U.S. Patent 5,663,800) in view of Nishiyama et al. (U.S. Patent 6,067,168). Applicants respectfully traverse this rejection for the reasons given below.

The Office action admits that:

Ainai fails to disclose a memory recall key which generates a memory recall signal after a transfer of the image data, for re-execution of an output instruction; and a reception means for receiving the image data stored in the image memory in accordance with the signal.

Office action dated November 26, 2008 at page 4. The Office turns to Nishiyama et al. in an attempt to cure this deficiency, stating:

Nishiyama discloses a memory mode transmission key on an image processing device for sending a document data to another device after the documents is stored in memory (see Fig. 5 (20) and Col. 10, Line 5-9). The examiner interprets this memory mode transmission key as a "memory recall" key for performing re-execution of an output instruction. The output instruction would be retransferring the processed image data back to the sender device. Nishiyama also teaches that the processed image data is returned to the sender device (copier 91) upon receiving a "return request" signal by the machine performing the image processing (see Fig. 1 (S54), Fig. 15 (S14, S15, S16, S10) and Col. 17, Line 42-48); and

that a user can input control data through a user interface from the sender device (copier 91) to send image processing and control information to specific devices (copier 92 and copier 93) that are [in] communication with the requesting machine (see Fig. 13b, Fig. 13c and Col. 16, Line 4-18). This shows that the input keys from the user interface of a device can generate a return request signal for returning the processed image data to the sender machine. Therefore in the examiner's opinion, Nishiyama teaches a memory recall key that can be used to directly recall data from one device to another.

Office action dated November 26, 2008 at pages 2-3 (emphasis added).

First, what Nishiyama et al. discloses is not a memory recall key for generating a memory recall signal for re-execution of an output instruction. With respect to memory transmission mode key 20, Nishiyama et al. states:

The memory transmission mode key 20 and copy/facsimile mode switching key 21 are the set keys related to a facsimile mode. The operator presses the memory transmission mode key 20 when he wishes to send the document data after the document data are stored in the memory. The operator presses the copy/facsimile mode switching key 21 when he wishes to switch the digital copying machine 30 from the copy mode to the facsimile mode and vice versa. Each one-touch dial key 22 is arranged to remember a telephone number, so that the operator can make a phone call to a desired correspondent by a one-touch manipulating action.

Nishiyama et al., column 10, lines 5-16 (emphasis added). This is the only mention in Nishiyama et al. of the memory mode transmission key or its function. Somehow, the Office extracts from this disclosure the notion that this key "re-executes" the "output instruction," which the Office interprets to be "retransferring the processed image data back to the sender device." However, this interpretation appears to be in error. Memory transmission mode key 20 is described by Nishiyama et al. as "related to a facsimile mode." This key therefore appears to allow the scanning of a document into memory for later transmission by facsimile when, e.g., a connection has been made to a receiving machine. It does not re-execute an output instruction or retransfer the image data "back to the sender device." No such capability or

function is described by Nishiyama et al., and the more reasonable interpretation that one of ordinary skill in the art would place on the statements actually made by Nishiyama et al. relates to the facsimile function described above.

Second, the Office appears to take part of Applicants' claim features from the Office's interpretation of memory transmission mode key 20, and part from the Office's interpretation of how image processing and control of various copiers is carried out (e.g., Fig. 1, Fig. 15). However, there is no disclosure in Nishiyama et al. that links together the functions performed by memory transmission mode key 20 and the control of user input data allegedly disclosed in column 17, lines 42-48 of Nishiyama et al. Yet, Applicants' claims recite that the memory recall signal occurs in direct response to operation of the key. Nishiyama et al. do not disclose any "return request" signal being generated in response to operation of the memory transmission mode key 20, which appears instead to merely allow delayed transmission of facsimile data.

Applicants do not concede that the combination of reference teachings made by the Office is, or has been shown to be, proper, and reserve the right to challenge the combinability of the reference teachings. Nevertheless, even assuming, *arguendo* that the proposed combination could be properly made, Applicants submit that no *prima facie* case of obviousness has been shown to exist, and that the rejection is therefore erroneous and should be withdrawn.

**CONCLUSION**


In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned to resolve these questions prior to the issuance of another Office Action.

Respectfully submitted,

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